

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
ILLINOIS AMERICAN-WATER COMPANY)
) No. 09-0450
Application for Certificate of)
Public Convenience and Necessity to)
provide water in Will County,)
Illinois pursuant to Section 8-406)
of the Public Utilities Act.)

Chicago, Illinois

February 8, 2010

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES :

MS. JONI K. OTT
100 North Water Works Drive
Belleville, Illinois 62223
appeared for the Applicant;

MR. JAMES A. WEGING
160 North LaSalle Street
Chicago, Illinois 60602
appeared for Staff.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

1		<u>I</u>	<u>N</u>	<u>D</u>	<u>E</u>	<u>X</u>	
2					Re-	Re-	By
3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>dir.</u>	<u>crx.</u>		<u>Examiner</u>
4							
5							
6		<u>E</u>	<u>X</u>	<u>H</u>	<u>I</u>	<u>B</u>	<u>I</u>
7	<u>IAWC'S</u>						
8	1.0						26
9	2.0						26
10	2.1						26
11	Revised 2.2						26
12	3.0						26
13	4.0						26
14							
15	<u>STAFF'S</u>						
16	1.0						30
17	2.0						30
18	2.1						30
19	3.0						30
20	3.1						30
21	4.0						30
22	5.0						30

1 JUDGE RILEY: Pursuant to the direction of
2 the Illinois Commerce Commission, I call
3 Docket 09-0450. This is an application by
4 Illinois-American Water Company for Certificates of
5 Public Convenience and Necessity to provide water in
6 Will County, Illinois, pursuant to Section 8-406 of
7 the Public Utilities Act.

8 And, Ms. Ott, would you enter an
9 appearance first, please.

10 MS. OTT: Sure. Thank you, your Honor.

11 My name is Joni K. Ott, that's
12 J-o-n-i, middle initial K, last name is O-t-t and
13 I'm appearing on behalf of Illinois-American Water
14 Company. My business address is 100 North Water
15 Works Drive, Belleville, Illinois 62223.

16 JUDGE RILEY: Thank you.

17 And, Mr. Weging?

18 MR. WEGING: James Weging, W-e-g-i-n-g,
19 160 North LaSalle Street, Suite C-800, Chicago,
20 Illinois 60601, 312-793-2877, appearing on behalf of
21 Commission Staff.

22 JUDGE RILEY: Thank you.

1 And we are here for a status having
2 last met in the middle of November. At that time
3 Applicant was to file its direct on December 16th,
4 Staff was going to reply on February 1 and we were
5 going to have a status today.

6 I believe I have all of the testimony
7 that was scheduled, is that correct?

8 MR. WEGING: Yes, your Honor. There should be
9 four pieces of Staff testimony labeled Exhibit 2 to
10 Exhibit 5.

11 JUDGE RILEY: Exhibit 2 through Exhibit 5?

12 MR. WEGING: Because Exhibit 1 was the verified
13 statement supporting the temporary certificate.

14 JUDGE RILEY: Oh, I see. Okay.

15 That was Mr. Sperry's verified
16 statement.

17 MR. WEGING: Yes, it was.

18 JUDGE RILEY: Okay. 2, 3 --

19 MR. WEGING: 4 and 5 are verified statements as
20 well.

21 JUDGE RILEY: The affidavits of Mr. Grubb and
22 Mr. Hillen?

1 MR. WEGING: No, that's the company.

2 JUDGE RILEY: No, Mr. McNally --

3 MR. WEGING: And Phil Johnson.

4 JUDGE RILEY: -- and Mr. Johnson, that's

5 correct, I've got them here.

6 Are these affidavits of Mr. Grubb and

7 Mr. Hillen going to be admitted?

8 MR. WEGING: Staff has no objection to it.

9 JUDGE RILEY: We'll get to that.

10 Did Staff see any issues in this

11 matter?

12 MR. WEGING: No. We came up with no disputed

13 matters. That is one of the reasons why I and

14 Ms. Ott had talked about just submitting the

15 existing testimony and affidavit and letting it go

16 into the record without having an evidentiary

17 hearing since -- we've talked to our clients, unless

18 there's something different between today and

19 Friday, no one sees the need to cross-examine any

20 witness. Everything is in the record that needs to

21 be in the record from our standpoint.

22 JUDGE RILEY: All right. Ms. Ott, does the

1 Applicant see any need for cross-examination or --

2 MS. OTT: No, your Honor.

3 JUDGE RILEY: There are no issues with regard to
4 the application?

5 MR. WEGING: No, your Honor.

6 JUDGE RILEY: I'm sorry, I was asking Ms. Ott.

7 MS. OTT: No. No, we have no issues or
8 corrections.

9 JUDGE RILEY: And neither party has any need for
10 cross-examination then.

11 MR. WEGING: That's correct.

12 JUDGE RILEY: And then I trust that the parties'
13 next move would be to admit the exhibits.

14 MR. WEGING: Yes.

15 With Exhibit 2 and 3 of Staff, we do
16 not have the affidavits as yet. So I will need to
17 late file those, either the affidavits themselves or
18 the pieces of testimony with the affidavits.

19 JUDGE RILEY: All right.

20 Let's begin with the Applicant's
21 exhibits.

22 And thus far, Ms. Ott, I note that the

1 Applicant has filed Exhibit No. KFH 1.0, which is
2 the Direct Testimony of Mr. Hillen and Exhibit
3 EG 2.0, which is the Direct Testimony of Mr. Edward
4 Grubb, is that correct?

5 MS. OTT: That's correct.

6 And there's some exhibits attached to
7 Mr. Grubb's testimony, 2.1 and 2.2, and we filed a
8 Revised Exhibit 2.2, which is attached to the
9 testimony.

10 JUDGE RILEY: I have Revised Exhibit 2.2, yes.
11 And that supersedes the original Exhibit 2.2, is
12 that correct?

13 MS. OTT: That's correct.

14 JUDGE RILEY: And we also had, I guess, the
15 exhibits attached to the application and those
16 include, like, the legal description, which is
17 Exhibit A and the map of the expanded area, which is
18 Exhibit B and, then, I guess the request for
19 service, which was Exhibit C.

20 JUDGE RILEY: That's the document entitled,
21 Homer Community Consolidated School District 33C?

22 MS. OTT: Right. That would be the Exhibit C.

1 JUDGE RILEY: Those are treated as attachments
2 to the Application and the Application is not
3 normally marked for identification. What we would
4 do is just go with the exhibits of Mr. Hillen and
5 Mr. Grubb.

6 And is it my understanding that you
7 are moving for the admission of Exhibits 1.0 and 2.0
8 into evidence?

9 MS. OTT: Yes, your Honor.

10 JUDGE RILEY: Mr. Wegin, any objection?

11 MR. WEGING: No objection.

12 JUDGE RILEY: There being no objection,
13 IAWC Exhibit KFH 1.0, the Direct Testimony of
14 Mr. Kevin F. Hillen and IAWC Exhibit No. EG 2.0, the
15 Direct Testimony of Mr. Edward J. Grubb are admitted
16 into evidence.

17 MR. WEGING: Your Honor, also the attachments to
18 Mr. Grubb's' testimony.

19 JUDGE RILEY: I'll get to that.

20 Let the record reflect that
21 Exhibit 2.0 also includes the attached Exhibit 2.1
22 and revised attached Exhibit 2.2 and those exhibits

1 are admitted into evidence.

2 (Whereupon, IAWC Exhibits
3 1.0, 2.0, 2.1 and 2.2 were
4 admitted into evidence.)

5 JUDGE RILEY: And also was submitted was the
6 Affidavit of Kevin F. Hillen and the Affidavit of
7 Mr. Grubb.

8 And what I would like to do that is
9 mark those, the Affidavit of Mr. Hillen as 3.0 and
10 the Affidavit of Mr. Grubb as 4.0.

11 And, again, I trust you're moving for
12 the admission of those into evidence?

13 MS. OTT: Yes, your Honor.

14 MR. WEGING: No objection.

15 JUDGE RILEY: No objection from Staff.

16 Applicant's Exhibits 3.0 and 4.0 are
17 admitted into evidence.

18 (Whereupon, IAWC Exhibits
19 3.0 and 4.0 were admitted
20 into evidence.)

21 JUDGE RILEY: And was that all of the exhibits
22 for the Applicant?

1 MS. OTT: Yes, thank you, your Honor.

2 JUDGE RILEY: Mr. Weging, did Staff have any
3 other business other than the admission of their
4 exhibits?

5 MR. WEGING: No, that's the only business we
6 have although what happens after all the admission
7 takes place, we should --

8 JUDGE RILEY: I'm sorry?

9 MR. WEGING: What happens after the admission of
10 all the evidence, we probably should talk.

11 JUDGE RILEY: We're going to have to have a
12 briefing schedule. Right. And anything else you
13 want to bring up.

14 I'm looking through my records here
15 and, Mr. Weging, you had stated that ICC Staff
16 Exhibit 1.0, which is the Verified Statement of
17 Mr. Sperry was previously admitted into evidence?

18 MR. WEGING: Right. Those were addressing the
19 temporary certificate.

20 JUDGE RILEY: Unfortunately, I don't have a
21 record of that.

22 MR. WEGING: Well, we can always do it a second

1 time. It doesn't hurt.

2 JUDGE RILEY: That would have been admitted on
3 November 12?

4 MR. WEGING: I don't know.

5 JUDGE RILEY: That was the only other time we
6 met in this matter.

7 MR. WEGING: With me it's usually filed as a
8 late filed exhibit, so it may not have been --

9 JUDGE RILEY: I see. Just to be on the safe
10 side, let's include it.

11 MR. WEGING: Okay.

12 JUDGE RILEY: And what we're talking about is
13 Staff Exhibit 1.0, which is the Verified Statement
14 of Mr. Jonathan Sperry, Staff Exhibit 2.0, which is
15 the Direct Testimony of Mr. Sperry. Staff
16 Exhibit 3.0, which is the Direct Testimony of
17 Mr. Richard Bridal. Staff Exhibit 4.0, the Verified
18 Statement of Michael McNally. Staff Exhibit 5.0,
19 the Verified Statement of Mr. William R. Johnson.

20 And there were no attachments to any
21 of those that I can see, is that correct?

22 MR. WEGING: I believe that's correct.

1 JUDGE RILEY: And that is all of Staff's
2 Exhibits?

3 MR. WEGING: Yes, it is.

4 And I would move that they be admitted
5 into record evidence. I would expect that 2 and 3
6 will have to be done conditionally because I need to
7 submit affidavits for Mr. Sperry and Mr. Bridal.

8 JUDGE RILEY: All right. I'll make a note.

9 Let the record reflect that the
10 verified statement for Staff Exhibit 2.0 will be
11 marked 2.1.

12 MR. WEGING: Okay.

13 JUDGE RILEY: And the verified statement for
14 Staff Exhibit 3 will be marked 3.1.

15 MR. WEGING: And that will make it easier to
16 understand.

17 JUDGE RILEY: Right. And those will be filed as
18 late filed exhibits.

19 MR. WEGING: Yes. I should be able to do that
20 today.

21 JUDGE RILEY: And, Ms. Ott, you've heard the
22 identification of all of Staff's exhibits, is that

1 correct?

2 MS. OTT: Yes, sir.

3 JUDGE RILEY: Is there any objection to the
4 admission to all or any part of those exhibits?

5 MS. OTT: No, I have no objection.

6 JUDGE RILEY: Then Staff Exhibits 1.0, 2.0, 2.1,
7 3.0, 3.1, 4.0 and 5.0 are admitted into evidence.

8 (Whereupon, Staff Exhibits
9 1.0, 2.0, 2.1, 3.0, 3.1, 4.0
10 and 5.0 were admitted into
11 evidence.)

12 JUDGE RILEY: Now that we've dispensed with the
13 exhibits, the next order of business that I have
14 would be a briefing schedule. Is there anything
15 else we should consider?

16 MR. WEGING: Well, I was wondering if it might
17 be easier for the two parties instead present a
18 proposed order to you. It's a little bit of
19 confusing, what do we brief if there aren't any
20 issues.

21 JUDGE RILEY: There being no issues, no, there
22 wouldn't be anything to brief.

1 Ms. Ott, would you be amenable to
2 joining Mr. Weging in the preparation of a proposed
3 order?

4 MS. OTT: Absolutely.

5 JUDGE RILEY: We don't have a deadline on this
6 matter, do we?

7 MS. OTT: No. I guess the temporary exhibit
8 expires in a year, but I think that's plenty of
9 time.

10 JUDGE RILEY: Yes. I'll leave it up to the
11 parties. I anticipate that you would want to get
12 this done as soon as possible, obviously, certainly
13 the Applicant would.

14 MS. OTT: Sure.

15 JUDGE RILEY: I'm not going to set a deadline.

16 MR. WEGING: I don't know what deadline to set.
17 I mean, we can ask for 30 days and try to get it to
18 you in a week.

19 JUDGE RILEY: That's plenty of time. That would
20 be most expeditious. I'll leave that up to the
21 parties.

22 Just give me a heads up when you send

1 it to me and let me know --

2 MR. WEGING: Will do.

3 JUDGE RILEY: -- that it's on the way so I can

4 act on it immediately.

5 Any other business from Staff?

6 MR. WEGING: Nothing in addition.

7 JUDGE RILEY: Anything further from

8 Illinois-American?

9 MS. OTT: No, thank you.

10 JUDGE RILEY: All right. I will direct the

11 court reporter to mark this matter heard and taken

12 and I will await the submission of Exhibits 2.1 and

13 3.1 and mark them as late filed.

14 MR. WEGING: Right.

15 JUDGE RILEY: Then I direct the court reporter

16 to mark this matter heard and taken.

17 Thank you very much.

18 MS. OTT: Thank you.

19 HEARD AND TAKEN

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